

Questions and Answers Regarding Proposed Town of La Pointe Land Use Permit Moratorium

On September 25, 2013, the Wisconsin Court of Appeals made a decision regarding the case of Hegwood v. Town of Eagle Zoning Board of Appeals which has a significant impact on shoreland property in the Town of La Pointe. Specifically the decision says that Wisconsin shoreland area (1000 feet from a lakeshore and 300 feet from a navigable stream) is subject to only county zoning; that towns have no zoning jurisdiction within the shoreland areas in Wisconsin. You can find the Wisconsin Court of Appeals decision at <http://www.wicourts.gov/ca/opinion/DisplayDocument.html?content=html&seqNo=102219>

Because of this decision and the impact it could have on the Town of La Pointe, the Town has petitioned the Ashland County Zoning Committee to implement a moratorium on issuing permits in the shoreland area of the Town of La Pointe until June 1, 2014.

QUESTION 1: *Why is the Town asking for a moratorium on issuing permits?*

ANSWER 1: This court decision has a far-reaching impact on the Town in many ways. The Town Board and Town Plan Commission need time to sort through the decision, determine all of the impacts, prepare impact statements, inform the Town Board, Ashland County Board and the public, and determine the best way to proceed to minimize any negative impacts.

QUESTION 2: *Why is the Town asking for a moratorium through June 1?*

ANSWER 2: The Town Board recognizes that the construction season is short and wants to have as little a negative impact on construction as possible. However, the Town Board also recognizes that time is needed to sort out the impacts of the court decision and to explore options. The Town Board can ask the County Board to remove the moratorium earlier than June 1 should staff believe they have identified and addressed all the variables.

QUESTION 3: *What are the possible impacts of this court decision on the Town?*

ANSWER 3: The Town Board has not yet had the opportunity to explore all the possible impacts to the Island. The change from Town zoning to County zoning affects the areas on the Island which are up to 1000 feet from the lakeshore and up to 300 feet from a navigable stream in the following general ways:

a. Size and Setbacks

Refer to a comparison of Town zoning and County zoning found on the Town website <http://townoflapointewi.gov>. Lot size requirements in the **R-1** and **S-1** Town of La Pointe zoning districts are reduced, in some cases significantly. Road and lake frontage and side yard setbacks are all reduced. Lots in the **R-2** and **R-3** districts that are not on the Madeline Island Sanitary system will now all become nonconforming lots because they do not meet the minimum lot size requirement. The Town of La Pointe zoning map under the Town zoning ordinance can be found at http://townoflapointewi.gov/cms/files/La_Pointe_Zoning_FINAL_030112.pdf

b. Land Use

Ashland County has three zoning districts in the shoreland area: General Purpose, Recreational Residential, and Wetland. The Ashland County General Purpose District on Madeline Island encompasses the land 1,000 feet from the shoreline from Capser Road, Old Fort Road, Chief Buffalo Lane, Main Street, Nebraska Row, Sunny Slope, County H to Fisherman Lane. The change from the Town of La Pointe Zoning Ordinance to the Ashland County Ordinance opens up this shoreland area to the following PERMITTED uses: “commercial, agricultural, forestry, recreational and residential.” CONDITIONAL uses in the General Purpose District are industrial and nonmetallic mining. Under Town zoning, this same geographic area includes at least 8 zoning districts with accompanying permitted and conditional uses – refer to Section 3 of the La Pointe Zoning Ordinance.

The Ashland County Recreational Residential District’s PERMITTED uses are seasonal and year around residences. CONDITIONAL uses in the county’s Recreational Residential District are resorts, diner clubs, taverns, marinas, mobile home parks, nonmetallic mining or similar uses, none of which are allowable conditional uses under Town zoning in the R-1, S-1 and S-2 districts. The Wetland District has uses permitted only in wetlands.

Under Town zoning, building height limit is 35 feet. Under county zoning, there is no restriction on building height.

QUESTION 4: *Where can we get more information?*

ANSWER 4: Please contact Lisa Potswald, Town of La Pointe Planning and Zoning Administrator/Ashland County Assistant Zoning Administrator, at lapointeza@cheqnet.net or at 715-747-2707, or Pete Clark, Town Administrator, at lapointeta@cheqnet.net or at 715-747-6913 for more information. You can also find information on the Town website.

QUESTION 5: *How can I get my opinions heard on this issue?*

ANSWER 5: The Ashland County Zoning Committee is holding a public hearing on the moratorium:

Friday, March 14, 2014 at 9:00 a.m.
Ashland County Board Room
Second Floor of the Courthouse
201 West Main Street, Ashland WI.

You can attend the public hearing to voice your comments.

You may also send your comments to Lisa Potswald, Town of La Pointe, PO Box 270, La Pointe WI 54850 or by email at lapointeza@cheqnet.net. All written comments if received before the meeting will become part of the record of the public hearing for consideration by the Ashland County Zoning Committee.